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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,649	07/15/2003	Kazuyuki Scki	240347US2	5261
22850	7590	11/30/2007		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
			EXAMINER	
			YODER III, CHRISS S	
			ART UNIT	PAPER NUMBER
			2622	
			NOTIFICATION DATE	DELIVERY MODE
			11/30/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/618,649	<b>Applicant(s)</b> SEKI, KAZUYUKI	
	<b>Examiner</b> Chriss S. Yoder, III	<b>Art Unit</b> 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 November 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 and 10-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 10-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed November 2, 2007 have been fully considered but they are not persuasive.

Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 is written to be dependent from claim 1. The claim recites the limitation, "*the attribute* of each of said plurality of information files" in line 3. However, "*the attribute*" is not present in claim 1. Therefore, there is insufficient antecedent basis for this limitation in the claim, however, the examiner believes the claim should depend from claim 2, and will be examined as understood by the examiner.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-5 and 11-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Abram et al. (US Patent # 6,462,778).
2. In regard to **claim 1**, note Abram discloses an imaging apparatus (column 2, lines 66-67) which creates an image file and is associated with an external memory (column 3, lines 13-20), comprising a connector configured to attach and detach said external memory in which a plurality of information files are stored (column 3, lines 13-20), each of the plurality of information files including information data related to an item being described in advance (column 4, lines 13-30), a first display device configured to display said plurality of information files stored in the external memory attached by the connector (column 4, lines 3-12 and figure 5), a first selection device configured to select one of the plurality of information files displayed by said first display means device (column 4, lines 3-12), a second display device configured to display the information data, which are described in advance in the information file selected by said first selection means device and related to the corresponding item (column 4, lines 13-58 and figure 6), a second selection device configured to select the information data,

which are displayed by said second display device (column 4, lines 13-58), and an adding device configured to register the information data, which is selected from the information data described in advance in the selected information file by said second selection device, into the corresponding image file (column 4, lines 13-58).

3. In regard to **claim 2**, note Abram discloses an imaging apparatus (column 2, lines 66-67) which creates an image file and is associated with an external memory (column 3, lines 13-20), comprising a connector configured to attach and detach said external memory in which a plurality of information files are previously stored (column 3, lines 13-20), an attribute of each of the plurality of information files being defined and first information data being described in advance in each of the plurality of information files (column 4, lines 13-20), and a displaying device configured to display said plurality of information files, including information data related to an item being described in advance in each of the plurality information files (column 4, lines 3-58 and figures 5-6), wherein said displaying device includes a switching device configured to switch between an item name and an information file name corresponding to the attribute of each of the plurality of information files previously stored in the external memory, to be displayed (column 4, lines 3-58 and figures 5-6; the first menu is considered to be the information file names, and the second menu is considered to be the item names).

4. In regard to **claim 3**, note Abram discloses an imaging apparatus comprising a the attribute of each of said plurality of information files is defined (column 4, lines 3-58 and figures 5-6, each of the selections shown in figure 5 are considered to be attributes of an information file), and an information data changing device configured to change

the information data, which are selected by said second selection device in accordance with the attribute of the information file selected by the first selection device (column 4, lines 3-58 and figures 5-6, the selections shown in figure 6 are considered to be the information data, which is changed according to the selected attribute in figure 5).

5. In regard to **claim 4**, note Abram discloses an imaging apparatus associated with an external memory (column 2, line 66 – column 3, line 20), comprising a connector configured to attach and detach said external memory in which a plurality of information files are stored (column 3, lines 13-20), an attribute of each of the plurality of information files being defined and first information data being described in advance in each of the plurality of information files (column 4, lines 13-20), a displaying device configured to display said plurality of information files (column 3, lines 27-29), a selection device configured to select one of the plurality of information files which are displayed by said display device (column 3, lines 21-29), and an information data replacement device configured to replace the first information data, which are described in the information file selected by said selection device, with plural second information data, which are previously described in the imaging apparatus, in accordance with the attribute of the information file selected by said selection device and to register the second information data into the corresponding image file (column 4, lines 3-58 and figures 5-6, the selections shown in figure 6 are considered to be the information data, which is changed according to the selected attribute in figure 5, and registered with the corresponding image file).

6. In regard to **claim 5**, note Abram discloses an imaging apparatus (column 2, lines 66-67) which creates an image file and is associated with an external memory (column 3, lines 13-20), comprising a connector configured to attach and detach said external memory in which a plurality of information files are stored (column 3, lines 13-20), each of the plurality of information files including information data being described in advance (column 4, lines 13-30), a first display configured to display said plurality of information files (column 4, lines 3-12 and figure 5), a first selection device configured to select one of the plurality of information files displayed by said first display device (column 4, lines 3-12), a second display device configured to display the information data, which are described in advance in the information file selected by said first selection device (column 4, lines 13-58 and figure 6), a second selection device configured to select the information data, which are displayed by said second display device (column 4, lines 13-58), an adding device configured to write the information data, which is selected by said second selection device, into the corresponding image file (column 4, lines 13-58), and a confirmation device configured to confirm the information data, which is selected by said second selection device (column 4, lines 41-58, the selection is displayed along with the image file).

7. In regard to **claim 11**, note Abram discloses that the attribute of each of the plurality of information files is defined in each of the plurality of information files stored in the external memory (column 4, lines 3-58 and figures 5-6, each of the selections shown in figure 5 are considered to be attributes of an information file which are stored in the external memory).

8. In regard to **claim 12**, note Abram discloses that the attribute of each of the plurality of information files is defined in a file provided in other than each of the plurality of information files stored in the external memory (column 3, lines 13-20, the attributes are stored in database 152).
9. In regard to **claim 13**, note Abram discloses the switching device is configured to switch automatically or manually between the item name and the information file name corresponding to the attribute of each of the plurality of information files (column 4, lines 3-12).
10. In regard to **claim 14**, note Abram discloses that the attribute of each of the plurality of information files is defined in each of the plurality of information files stored in the external memory (column 4, lines 3-58 and figures 5-6, each of the selections shown in figure 5 are considered to be attributes of an information file which are stored in the external memory).
11. In regard to **claim 15**, note Abram discloses that the attribute of each of the plurality of information files is defined in a file provided in other than each of the plurality of information files stored in the external memory (column 3, lines 13-20, the attributes are stored in database 152).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and



the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abram et al. (US Patent # 6,462,778).

13. In regard to **claim 10**, note Abram discloses the use of an imaging apparatus, as claimed in claim 1 above. Therefore, it can be seen that Abram fails to disclose that the image file is in Exif image format. Official Notice is taken that the concepts and advantages of using an image file that is in Exif image format are notoriously well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art to modify the Abram device to include the use of image files is in the Exif image format in order to conform to well known standards, thereby ensuring data compatibility and exchangeability between devices.

14. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abram et al. (US Patent # 6,462,778) in view of Anderson (US Patent # 6,862,038).

15. In regard to **claim 16**, note Abram discloses the use of an imaging apparatus, as claimed in claim 5 above. Therefore, it can be seen that Abram fails to disclose that the confirmation device is configured to display all at once the information data selected by the second selection device from each of the plurality of information files. In analogous art, Anderson discloses the use of a confirmation device that is configured to display all at once the information data selected by the second selection device from each of the plurality of information files (column 4, lines 11-47 and figure 3B: "Trip", "Location",

“Session”, and “Caption”). Anderson teaches that the use of a confirmation device that is configured to display all at once the information data selected by the second selection device from each of the plurality of information files is preferred in order to allow the user to change selections, so as to prevent the improper storage of images (column 4, line 48 – column 5, line 25). Therefore, it would have been obvious to one of ordinary skill in the art to modify the Abram device to include the use of a confirmation device that is configured to display all at once the information data selected by the second selection device from each of the plurality of information files in order to allow the user to change selections, so as to prevent the improper storage of images, as suggested by Anderson.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US005796428A: note the use of image categorization using stored information about the image.

US 20030008686A1: note the use of parameter selection using menus and submenus.

US006614988B1: note the use of a database of stored attributes for image categorization.

US006829009B2: note the use of parameter selection using menus and submenus.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chriss S. Yoder, III whose telephone number is (571) 272-7323. The examiner can normally be reached on M-F: 8 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571) 272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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CSY  
November 19, 2007



**LIN YE**  
SUPERVISORY PATENT EXAMINER